

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

BILL E

LLS NO. 16-0363.02 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Tyler,

SENATE SPONSORSHIP

Baumgardner and Todd,

House Committees

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT THE HOLDER OF AN ABANDONED**
102 **MOTOR VEHICLE USE THE RECORDS OF A NATIONAL TITLE**
103 **SEARCH TO NOTIFY PERSONS WITH AN INTEREST IN THE MOTOR**
104 **VEHICLE THAT THE VEHICLE HAS BEEN TOWED AND IS SUBJECT**
105 **TO SALE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Transportation Legislation Review Committee. Currently, when an abandoned motor vehicle has been towed, the responsible law enforcement agency and tow operator notify the department of revenue, which searches its records to determine who owns the vehicle and if there is a lienholder. This information is used to return stolen vehicles and to notify the owner and any lienholder that the vehicle will be sold at an auction if it is not claimed. The bill broadens the records used in the search to include those that can be obtained through a national title search.

The bill also extends the period for a tow operator to notify the owner and any lienholder from three days to five days.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-1804, **amend**
3 (2) and (6) (a) introductory portion as follows:

4 **42-4-1804. Report of abandoned motor vehicles - owner's**
5 **opportunity to request hearing.** (2) (a) Upon ~~its~~ receipt of ~~such~~ A report
6 MADE UNDER SUBSECTION (1) OR (6) OF THIS SECTION, the department
7 shall search its records to ascertain the last-known owner of record for the
8 abandoned motor vehicle and any lienholder as those persons are
9 represented in department records.

10 (b) ~~In the event~~ If the vehicle is ~~determined by the department~~ not
11 ~~to be registered in the state of Colorado the report required by this section~~
12 ~~shall state that no Colorado title record exists regarding the vehicle~~ WITH
13 THE DEPARTMENT, THE DEPARTMENT SHALL CONDUCT A TITLE SEARCH
14 WITH AN ENTITY THAT:

15 (I) HAS A NATIONAL DATABASE;

16 (II) MAY RETRIEVE RECORDS BASED ON BOTH THE VEHICLE
17 IDENTIFICATION NUMBER AND VEHICLE REGISTRATION NUMBER (LICENSE
18 PLATE NUMBER); AND

19 (III) PROVIDES THE FOLLOWING INFORMATION: THE VEHICLE

1 IDENTIFICATION NUMBER, THE VEHICLE REGISTRATION NUMBER, THE
2 OWNER'S NAME AND CONTACT INFORMATION, AND THE LIENHOLDER'S
3 NAME AND CONTACT INFORMATION.

4 (c) Within ten working days after ~~such~~ receipt OF A REPORT MADE
5 UNDER SUBSECTION (1) OR (6) OF THIS SECTION, the department shall
6 complete its search and shall transmit ~~such~~ THE report, together with all
7 relevant information, to the responsible law enforcement agency OR TOW
8 OPERATOR.

9 (6) (a) An operator or its agent shall, no less than two days, but no
10 more than ten days after a motor vehicle has been towed, determine if
11 ~~there is an~~ WHO THE owner IS and IF THERE IS a lienholder ~~represented in~~
12 ~~department records~~ AND send a notice by certified mail, return receipt
13 requested, to the last address of the owner ~~as shown on the motor~~
14 ~~vehicle's registration, and the lienholder, as shown on the title, if either is~~
15 ~~shown in department records~~ AS DETERMINED FROM RECORDS OF THE
16 DEPARTMENT, FROM THE NATIONAL SEARCH PERFORMED BY THE
17 DEPARTMENT, OR BOTH. The cost of complying with this paragraph (a)
18 ~~shall be considered~~ IS a cost of towing; except that the total of ~~such~~ ALL
19 costs OF COMPLYING WITH THIS SECTION shall not exceed one hundred
20 fifty dollars. TO COMPLY WITH THIS SUBSECTION (6), the notice to the
21 owner and lienholder ~~shall~~ MUST be sent within ~~three~~ FIVE days after the
22 operator receives the information from the department ~~Such notice shall~~
23 AND MUST contain the following information:

24 **SECTION 2.** In Colorado Revised Statutes, 42-4-2103, **amend**
25 (3) (c) (I); and **add** (3) (b.5) as follows:

26 **42-4-2103. Abandonment of motor vehicles - private property.**

27 (3) (b.5) (I) UPON RECEIPT OF A REPORT MADE UNDER PARAGRAPHS (a)

1 AND (b) OF THIS SUBSECTION (3), THE DEPARTMENT SHALL SEARCH ITS
2 RECORDS TO ASCERTAIN THE LAST-KNOWN OWNER OF RECORD FOR THE
3 ABANDONED MOTOR VEHICLE AND ANY LIENHOLDER AS THOSE PERSONS
4 ARE REPRESENTED IN DEPARTMENT RECORDS.

5 (II) IF THE VEHICLE IS NOT REGISTERED WITH THE DEPARTMENT,
6 THE DEPARTMENT SHALL CONDUCT A TITLE SEARCH WITH AN ENTITY
7 THAT:

8 (A) HAS A NATIONAL DATABASE;

9 (B) MAY RETRIEVE RECORDS BASED ON BOTH THE VEHICLE
10 IDENTIFICATION NUMBER AND VEHICLE REGISTRATION NUMBER (LICENSE
11 PLATE NUMBER); AND

12 (C) PROVIDES THE FOLLOWING INFORMATION: THE VEHICLE
13 IDENTIFICATION NUMBER, THE VEHICLE REGISTRATION NUMBER, THE
14 OWNER'S NAME AND CONTACT INFORMATION, AND THE LIENHOLDER'S
15 NAME AND CONTACT INFORMATION.

16 (III) WITHIN TEN WORKING DAYS AFTER RECEIPT OF A REPORT
17 MADE UNDER PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3), THE
18 DEPARTMENT SHALL COMPLETE ITS SEARCH AND SHALL TRANSMIT THE
19 REPORT, TOGETHER WITH ALL RELEVANT INFORMATION, TO THE
20 RESPONSIBLE LAW ENFORCEMENT AGENCY OR TOW OPERATOR.

21 (c) (I) An operator or its agent shall, no less than two days, but no
22 more than ten days after a motor vehicle has been towed or abandoned,
23 determine if there is an owner WHO THE owner IS and IF THERE IS a lienholder
24 ~~represented in department records~~ and send a notice by certified mail,
25 return receipt requested, to the address of the owner ~~as shown on the~~
26 ~~motor vehicle's registration, and the lienholder if either is shown in~~
27 ~~department records. Such~~ AS DETERMINED FROM RECORDS OF THE

1 DEPARTMENT, FROM THE NATIONAL SEARCH PERFORMED BY THE
2 DEPARTMENT, OR BOTH. THE notice ~~shall~~ MUST include the information
3 required by the report set forth in paragraph (b) of this subsection (3). The
4 cost of complying with ~~the provisions of~~ this paragraph (c) shall be
5 considered a cost of towing; except that the total of ~~such~~ ALL costs OF
6 COMPLYING WITH THIS SECTION shall not exceed one hundred fifty dollars.
7 The TOW OPERATOR SHALL SEND THE notice to the owner and lienholder
8 ~~shall be sent within three~~ WITHIN FIVE days after receiving the information
9 from the department.

10 **SECTION 3. Act subject to petition - effective date -**
11 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
12 the expiration of the ninety-day period after final adjournment of the
13 general assembly (August 10, 2016, if adjournment sine die is on May 11,
14 2016); except that, if a referendum petition is filed pursuant to section 1
15 (3) of article V of the state constitution against this act or an item, section,
16 or part of this act within such period, then the act, item, section, or part
17 will not take effect unless approved by the people at the general election
18 to be held in November 2016 and, in such case, will take effect on the
19 date of the official declaration of the vote thereon by the governor.
20 (2) This act applies to vehicles towed on or after January 1, 2017.